

Exhibit 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARK I. SOKOLOW, et al.,

PLAINTIFFS,

-against- Case No:
04CV397 (GBD)(RLE)

THE PALESTINE LIBERATION ORGANIZATION, et
al.,

DEFENDANTS.

-----X

DATE: August 1, 2012

TIME: 2:17 P.M.

DEPOSITION of ALAN BAUER, taken
by the Defendants, pursuant to Notice and
to the Federal Rules of Civil Procedure,
held at the offices of Morrison & Foerster,
1290 Avenue of the Americas, New York, New
York 10104, before Robert X. Shaw, CSR, a
Notary Public of the State of New York.

1 Alan Bauer

2 treatment?

3 A. No, sir.

4 Q. Okay. Are you claiming to have
5 a mental illness as a result of the attack?

6 A. No, sir. And I don't believe
7 -- asked the same --

8 No, sir.

9 Q. Okay. Prior to the date when
10 you and your son were injured in the
11 bombing, had you wife had any mental health
12 treatment?

13 A. No, sir.

14 My wife has seen, people who
15 are not necessarily psychiatrists, but she
16 had seen a woman who was more of an
17 adviser, and this was on the issue of
18 advice in raising the children.

19 And she would meet with her to
20 discuss, um, having the right perspective
21 in raising children. This was a woman who
22 had experience.

23 After the attack, I believe
24 that she spoke with her about issues
25 related to the attack itself.

1 Alan Bauer

2 Q. That's quite all right.

3 Are you claiming, on behalf of
4 your oldest son Yehonathan, any mental
5 illness as a result of the injuries he
6 suffered in the bombing?

7 MR. SOLOMON: Again, we talked
8 about emotional trauma, and the grief
9 and anxiety, all claimed in this
10 suit, but I think counsel is asking
11 about a diagnosed metal disorder.

12 THE WITNESS: Yes.

13 A. I don't believe so. If it's a
14 diagnosed mental condition, no.

15 Q. Okay. So, you're not claiming
16 that your son, your oldest son has a mental
17 illness as a result of the bombing?

18 A. No, sir.

19 Q. You agree with me on that?

20 A. I agree with you, yes.

21 Q. How about the next oldest, is
22 that Benjamin?

23 A. Yes. That's correct, sir.

24 Q. Okay. Has he ever had any
25 mental health treatment?

1 Alan Bauer

2 Q. You've described, for two of
3 your sons, issues, for lack of a better
4 term. Does Daniel have any issues that you
5 think might be related to the bombing?

6 A. Not to my knowledge, sir.

7 Q. Any other issues that Benyamin
8 or Yehuda have that you think may be
9 related to the bombing?

10 A. No, sir.

11 Q. Apart from the bombing, have
12 you had any major health issues yourself?

13 A. Um, approximately three months
14 before the bombing, I put the same arm that
15 was injured in the attack through a window
16 of our house and had surgery for the repair
17 of two, um, arteries in that arm, by the
18 same doctor.

19 Q. So, three months before the
20 bombing, you cut your arm on a window?

21 A. That's correct, sir.

22 Q. That was an accident? How did
23 that happen?

24 A. It was an accident. I put my
25 arm through -- it was -- we lived in what

1 Alan Bauer
2 was a very old house, and the window was
3 very thin. I was leaning against it, and
4 the arm went through, and when I pulled it
5 back, it just simply cut the arteries.

6 Q. And I notice that you have some
7 scarring on your arm. Is some of that
8 scarring due to the prior injury with the
9 window?

10 A. No, sir. The original scar was
11 what they call a Z-scar, but it's since
12 been covered by the two, um, skin grafts
13 that were taken from my leg. So, actually
14 that original, the original scar is not
15 visible.

16 Q. Okay. It's been covered up by
17 the subsequent skin grafting from the
18 injury from the bombing?

19 A. That's correct, sir.

20 Q. Are you claiming any loss of
21 function of your hand in connection with
22 the lawsuit?

23 A. No, sir.

24 Q. And your hand works as well as
25 it did before the bombing?

1 Alan Bauer

2 A. I wouldn't go that far.

3 But again, two things: It
4 works extremely well, and I would not be
5 able to differentiate between the two
6 events to say this is from the bombing and
7 this is not from the window, so --

8 Q. Okay. So, the healing from the
9 injury at the window, is it fair to say,
10 wasn't complete at the time of the bombing?

11 A. That's --

12 That's correct, sir.

13 Q. So, you're not able to say, to
14 the extent you have any lack of
15 functionality of the hand, or the arm, how
16 much of it was due to the injury with the
17 window, versus how much was due to the
18 injury of the bombing?

19 A. That's correct, sir.

20 Q. Okay. And for that reason
21 you're not claiming any damages for loss of
22 function to the hand?

23 A. That's correct, sir.

24 Q. What damages are you claiming
25 related to the injury of your arm -- in

1 Alan Bauer

2 this, in the lawsuit?

3 A. I would say that the initial
4 condition of my arm, and my arm from the
5 original, from the window accident had
6 improved, um, after which it became less
7 functional for a period of time, due to the
8 bombing and the subsequent surgery.

9 Obviously, I have skin grafts
10 taken off my leg in order to cover this
11 area.

12 I had a vein taken out of my
13 leg to replace one of the arteries that had
14 been damaged in the bombing.

15 I underwent six hours of
16 surgery to do -- microsurgery, to repair
17 the two arteries that had been damaged.

18 At the time of the bombing,
19 when I arrived at Hadassah Hospital, they
20 were unable to find a pulse initially in my
21 fingers, and were concerned about the issue
22 of circulation of blood to the fingers.

23 There was a period of time
24 where the arm did not function as well as
25 it could. It was a challenge taking a

1 Alan Bauer
2 shower. It was a challenge buttoning a
3 shirt on my right arm. It was a challenge
4 doing any activity that required use of
5 both hands.

6 So, I would say, for that
7 period of time where there was reduced
8 functionality in my arm, I would seek
9 appropriate damages for those, that lack of
10 ability.

11 Q. Okay. Are you able to say,
12 um -- well, let me just get the record
13 straight, I suppose.

14 So, you had the injury three
15 months before the bombing to the hand, and
16 to the arm, and that impaired the
17 functionality of the arm; right?

18 A. Correct.

19 Q. And you had not returned to 100
20 percent at the time of the bombing?

21 A. That's correct.

22 Q. Okay. And then, the bombing
23 necessitated additional surgeries and skin
24 grafts, and after those operations, you
25 continued to have reduced functionality of

1 Alan Bauer

2 the arm?

3 A. It was significantly reduced
4 from where it had improved up until the
5 bombing; that's correct.

6 Q. And then, at some period after
7 that, it improved again, as you healed;
8 correct?

9 A. That's correct, sir.

10 Q. Are you able to say how much
11 worse the arm was after the bombing than it
12 was before the bombing, taking into account
13 that it was healing from a prior injury?

14 A. From the prior injury I've been
15 doing physical therapy, and it had returned
16 to functionality, it returned almost
17 completely.

18 There was an issue of a nerve
19 damage from the first injury that was years
20 in recovery. So, in terms of pure
21 functionality, it had returned almost to
22 normal. In terms of nerve damage, there
23 was still -- the bombing did not affect the
24 nerves. There were two arteries that were
25 knocked out with two projectiles that were,

1 Alan Bauer
2 that entered my arm. So, there was
3 definitely reduced functionality, not only
4 the week that I was in the hospital, but I
5 had a cast on my arm for that week, but
6 also afterwards it was reduced to use of
7 the arm for a period of, I'd say, several
8 months.

9 Q. Okay.

10 So, the damages that you're
11 claiming with respect to functionality is
12 for the loss of the use of it for a few
13 months after the bombing; is that fair to
14 say?

15 A. That's correct, sir.

16 Q. How many months, would you say?

17 A. I would say, three months.

18 Q. Three months? Okay.

19 And then, obviously you had
20 discomfort and pain associated with the
21 surgery and the treatment?

22 A. That's correct, sir. The skin
23 grafts were exceptionally painful in the
24 leg, not in the arm.

25 Q. Okay. So, you had pain in the

1 Alan Bauer

2 leg.

3 MR. SOLOMON: Or was it the
4 skin?

5 THE WITNESS: Yes.

6 Q. Okay. And did that eventually
7 resolve itself?

8 A. Yes, sir.

9 Q. How long did that take?

10 A. It took the time that I was in
11 Hadassah, approximately a week.

12 Q. So, you had one week of pain in
13 the leg from the skin graft?

14 A. Yes, sir.

15 Q. Does that have any continuing
16 issues for you?

17 A. There's physical scars on the
18 leg, but no pain.

19 Q. Are you claiming damages for
20 the scars?

21 MR. SOLOMON: Tell him what
22 happened.

23 A. Yes, sir. That's part of the
24 bombing, I believe.

25 Q. So, you're claiming damages for